



TREC Advisor

The agency exists to safeguard the public interest and protect consumers of real estate services. In accord with state and federal laws the agency oversees real estate brokerage, appraisal, inspection, home warranty and timeshare interest providers. Through education, licensing and regulation, the agency ensures the availability of qualified and ethical service providers, thereby facilitating economic growth and opportunity in Texas.

Inside this issue: *Broker Responsibility Update (Page 1) From the Administrator (Page 2) Are You Filling Out Contract Forms Correctly? (Page 3) Longtime Commissioner Passes Away (Page 3) Pre-Licensure Education Update (Page 4) Proposed Rules (Page 4) Staffing Update (Page 6) Enforcement Matters (Page 7)*

BROKER RESPONSIBILITY

The new broker responsibility course is effective September 1st. The following provide a brief overview of who needs to take the course and when they are required to take it. For a downloadable version of this information please [click here](#).

- ★ *All licensees who renew on or after September 1, 2012 will need to take the 6 hour broker responsibility course if they are a sponsoring broker, designated broker of a business entity or a delegated supervisor (for 6 months or more).*
- ★ *Licensees subject to the new requirement who renew on or after September 1, 2012, but have taken all required 15 hours of MCE before July 1, 2012 will not be required to take the broker responsibility course until the next renewal of their license.*
- ★ *All licensees who renew before August 31, 2012 are not required to take the course, but may do so if they choose.*
- ★ *All licensees can take the broker responsibility course and are encouraged to do so at any time, even if it is not required.*
- ★ *All brokers who have delegated salespersons supervising other licensees for six months or more will be required to notify TREC of the supervisory status using TREC's "My License Online Services". This service will be available in August 2012, along with TREC's new relationship management tool.*
- ★ *The broker responsibility course is not in addition to the usual 15 hours of MCE required for renewal; it is in conjunction with it. Licensees who are required to take the course will now take 3 hours of TREC Legal, 3 hours of TREC Ethics, 6 hours of Broker Responsibility and 3 hours of elective MCE for each 2-year renewal cycle.*
- ★ *There is no fee to use the TREC online service to notify TREC of a delegated supervising salesperson.*
- ★ *The online service may not be used to notify TREC of a delegated supervising associate broker. A paper form will be available to notify TREC of a delegated supervising associate broker at no cost, and for only the paper filing fee of \$20 to notify TREC of a delegated supervising salesperson.*

As the end of another fiscal year approaches, it is time to review our accomplishments and look ahead to future improvements. It has been a true honor to lead such an impressive agency staff. They work very hard to carry out the policy directives of the Commission and Board, do so both efficiently and effectively. I cannot say enough good things about the team that serves this agency.

The last 12 months have been very productive. We have upgraded the online services portal, implemented the broker license experience requirements, overseen the writing of the new Broker Responsibility MCE Course, analyzed our outdated website from every angle, clarified the strategic direction of the agency in our 2013-2017 Strategic Plan, developed budget control processes for operating as a Self-Directed, Semi-Independent agency and implemented an entirely new regulatory structure for Appraisal Management Companies.

Looking ahead, we will implement the new salesperson pre-license education requirements, making two overdue subject matter enhancements (adding promulgated contracts and real estate finance) and extending the effective apprenticeship license to two years. The new Education Standards Advisory Committee to shortly be appointed by the Commission will also convene to assist and oversee vital curriculum updates.

In addition, we will soon roll out the new Relationship Management Tool, which will move broker/sales sponsorship matters to an online forum and allow brokers to designate supervisors via the same tool. Designation of broker associates as supervisors will be via a paper form, but all sponsored salespersons

who are designated by a broker as a supervisor may be done online and with no fee.

During the next year we are also planning for a major overhaul of our agency website. 2013 is a Texas legislative session year and we are fully prepared to work with

our elected officials and the professional associations of our licensee members to defend recent gains in consumer protections and expand this mission into new areas as appropriate. One area we expect some activity is regarding home inspectors. This section of the Occupations Code is overdue for an update to enhance consumer protection and service. Hopefully, an opportunity to modernize the code will be advanced this next session.

As the third anniversary of my tenure at the agency draws near, I am amazed at how much we have been able to accomplish in this short period. Of course, there is more we would like to have done, with greater speed and fewer bumps, and there remain many goals yet to be accomplished. Nevertheless, we are enormously proud of our team and the work ethic of our staff members. Every challenge we have faced has been met with genuine enthusiasm when a major advance forward was proposed, or with firm resoluteness when a great barrier arose to slow our progress. Aim high; and keep moving ahead!



Douglas E. Oldmixon

Important Dates to Remember

TREC Commission Meeting—Aug 13

Longtime Commissioner Dona Scurry Has Passed Away

After a three-year battle with inflammatory breast cancer, Dona Sherman Scurry, 70, passed away on Tuesday, June 26. Although she lost her life to this struggle, Dona won the fight. Never a complaint came from her; her grace and elegance trumped the discomfort of constant treatment. Her zest for life, intense passion for her friends and family and total commitment to her work were what best defined Dona. Her vibrant and contagious laugh and her insistence on seeking out the good in everything and everyone made her a delight to be around and a wonderful and faithful friend.

Dona joined the accounting firm of Stockton, Scurry and Smith in 1979 and became a shareholder in 1983. She was deeply devoted to her many and varied clients who, along with the numerous professional and non-profit organizations she supported, were beneficiaries of her wit, wisdom and competent guidance.

Dona is survived by her loving husband, Curt Jorgensen; her children, Sherman Scurry (Chris O'Neill), Willy Scurry, Gena Vaughn (Michael), Murphy Scurry (Ogi), Jennifer Kleman (Rodney), Derek Jorgensen and Michael Jorgensen; eight grandchildren and two sisters, Bunny Bell and Vickie Moore. Dona's family is most grateful for the doctors and staff at MD Anderson in Houston. Memorial contributions may be made to Rio Grande Cancer Foundation or MD Anderson. Dona's life will be memorialized at a private service.

Obituary originally printed in the El Paso Times July 1-8, 2012. Ms. Scurry served as a public commission member since 2009 and had previously served as an Appraiser Board Public Member from 2001 to 2007.

TREC Announces Online Relationship Management Tool

TREC is proud to announce the upcoming addition of a new "Relationship Management Tool" to the recently updated "My License Online Services". This new tool allows all Brokers and Sales people to manage their relationships (requesting and accepting sponsorship) online, with no delay and for the same modest fee!

Brokers and Salespeople will be able to search for a potential sponsor or sponsoree and send an invitation to that person's email all through the

convenient agency online system. Once that invitation is sent to the intended sponsor or sponsoree, the recipient will need to confirm acceptance by logging on to the TREC website and accepting the invitation. This simple and easy to use tool will allow license holders to get back to work quickly and easily with no delay.

Look for the official announcement of the new "Relationship Management Tool" later this month. For all the latest developments at the agency, please visit our website often.

ARE YOU FILLING IN CONTRACT FORMS PROPERLY?

Has this happened to you? Your client does not want to accept the property “as is” and wants to wait until after the inspection to list specific repairs that he wants the seller to fix. You want to just leave both boxes in Paragraph 7D of the One to Four Family Residential Contract (Resale) blank or check 7D 2 and write in “repairs to be listed following inspection.” Or better yet, you want to leave both of these boxes blank and use Paragraph 11, Special Provisions and write in “Buyer has the right to inspect the property for repairs.”

What you should do. None of these options are permissible. Leaving both boxes blank in Paragraph 7D or altering the contract terms by adding language that does not enumerate specific repairs in Paragraph 7D2 could be considered to be acting negligently or incompetently. The buyer should only choose Paragraph 7D2 if there are specific repairs known at the time of the contract that the buyer wants the seller to pay for. Otherwise, the buyer should check Paragraph 7D1. Most buyers in your client’s situation will then also elect to pay an option fee pursuant to Paragraph 23 in exchange for the right to terminate for any reason within a negotiated number of days. During this option period, an inspection may be performed and if specific repairs are identified,

the parties may negotiate to amend the contract to address these items, or the buyer can terminate the contract. Adding the language above to Special Provisions is duplicative, in part, to the contractual term already listed in Paragraph 7A, “Buyer may have the Property inspected ...” You also could be considered acting negligently or incompetently writing language in Special Provisions that duplicates a term in another paragraph in the contract. This language also fixes and defines the legal rights of the parties and is more than a mere business detail or factual statement. This could be considered the unauthorized practice of law. You should take great care to not fill in more than the blanks in a contract or add or strike out matter from the form, except you can add factual statements and business details desired by the parties and can strike only the matter as is desired by the parties to show their intent. You may not add factual statements or business details when there is a contract addendum for that purpose.

Want to learn more? You can review the Enforcement Frequently Asked Questions concerning licensee compliance with the Real Estate License Act and Commission’s Rules on our web site at: <http://www.trec.texas.gov/faq/faq-enf.asp>.

Commission Meeting to be Streamed Online

The Real Estate Commission’s August 13th meeting will, for the first time ever, be streamed online live. TREC has long strived to make the agency and it’s meetings accessible for all of its licensees. Previously, full recordings of these meetings have been uploaded to the site and been available for playback. Now, with the advancement in technology and the agency’s new facilities, the Commission meetings will be

live streamed. This means real time access to the meeting in its entirety, allowing every license holder and the public, no matter their location, the opportunity to watch the Commission.

Access to the meeting can be found on the agency’s website by clicking “Meetings & Agenda” on the left hand side of the agency’s home page at www.trec.texas.gov.

Changes to pre-licensure education requirements effective September 1

The Commission is preparing for upcoming changes to the real estate salesperson education requirements that become effective September 1, 2012.

Applications for Real Estate Salespersons that are postmarked or submitted to TREC on or after September 1 will be subject to the new requirements.

Education requirements for a salesperson license will change from the current 210 hours (60 hours of which may be in related courses) to 180 hours all in specific core real estate courses. Related course credit can no longer be used to meet education requirements for a salesperson's license.

Under the new requirements applicants must complete the following courses as well as take and pass the real estate exam within one year of filing the application for a real estate salesperson license.

These Courses totaling 180 Classroom Hours:

Real Estate Principles – 60 hours

Law of Agency – 30 hours

Law of Contracts – 30 hours

Promulgated Contract Forms – 30 hours

Real Estate Finance – 30 hours

Remember that licenses issued under the new requirements will issue for a two-year period. The new licensee must complete 90 hours of additional core real estate credit or must have accumulated a total of 270 core course hours by the end of the first 2 year renewal period. After the first 2 year renewal period a salesperson will be subject to mandatory continuing education (MCE) requirements.

Rule Actions from the May 7, 2012 Meeting of the Commission that can be adopted at the August 13, 2012 meeting

PROPOSED RULES

Chapter 534, General Administration

§534.2 Processing Fees for Dishonored Payments

The amendment removes the reference to the processed check fee because the fee will be reflected in amendments to §535.101.

Subchapter I. Licenses

22 TAC §535.91 Renewal Notices

The amendments are proposed to implement the relevant provisions of Senate Bill (SB) 747, 82nd Texas Legislature, Regular Session (2011). In part, SB 747 amends Texas Occupations Code, §1101.458 to require that certain licensees take a

six-hour broker responsibility course to renew a license. The amendments to §535.91 clarify that a broker who has delegated licensees supervisory authority under §535.2 must notify the commission, within 30 days of delegation or termination of delegation, the name or names of such licensees and provide that licensees who are required to take the broker responsibility course and have already completed their MCE requirements prior to July 1, 2012 may, but are not required to take, the broker responsibility course for the first renewal of their license after September 1, 2012.

22 TAC §535.92 . Renewal: Time for Filing; Satisfaction of Mandatory Continuing Education Requirements.

The amendment removes the reference to the

MCE deferral fee and late reporting fee because the fees will be reflected in amendments to §535.101, concerning Fees.

**22 TAC §535.95. Miscellaneous Provisions
Concerning License or Registration
Applications or Renewals, Including
Fingerprinting Requirements.**

The amendments are proposed to implement the relevant provisions of Senate Bill (SB) 1733, 82nd Texas Legislature, Regular Session (2011). The effective date of SB 1733 is June 17, 2011.

Senate Bill 1733 amends Texas Occupations Code to add §55.004 which allows for alternate demonstrations of competency to meet license requirements, establishes a period during which an otherwise qualified person may seek employment or practice with an expired license, and authorizes the TREC administrator to issue licenses by endorsement.

The bill authorizes a state agency to adopt rules to allow alternative demonstrations of competency to meet the requirements for obtaining the license under the new section. New subsection (f) establishes the criteria to be used to demonstrate competency under the new section.

Subchapter J. Fees

22 TAC §535.101. Fees.

The amendments would increase from \$20 to \$50 the fee for filing a request for, or renewal of, a branch office license; increase from \$20 to \$50 the fee to request an inactive license be returned to active status; increase from \$20 to \$40 the fee for preparing a license history; increase from \$25 to \$50 the fee for the filing of a moral character determination; add a fee of \$50 plus \$20 per classroom hour for each core education course

for a period of four years; add a fee of \$50 plus \$10 per classroom hour for each MCE course for a period of two years; increase from \$25 to \$150 the fee for the filing of an application for approval as an instructor for a two-year period for real estate core or MCE courses, or both; clarify the fee charged by the Federal Bureau of Investigation and Texas Department of Public Safety for fingerprinting or background check in connection with a license application or renewal; clarify the fee required by the Department of Information Resources as a subscription or convenience fee for use of an online payment system; and increase from \$25 to \$30 the fee for processing a returned check.

Subchapter R. Real Estate Inspectors

22 TAC §535.209. Examinations.

The amendments adopt the National Home Inspector Examination developed by the Examining Board of Professional Home Inspectors for the national section of the examination, including the cut score established by the Examining Board, and require that home inspector applicants must achieve a set passing score for the state section of the home inspector examinations to pass the examination. waive the requirements to take the national section of the examination of an applicant for a real estate or professional inspector license if the applicant maintains an active license in another state and has passed the national home inspector examination.



Michelle joined TREC as the Human Resources Manager on June 11, 2012. Michelle's HR career spans 21 years with 16 years in Texas government. In 2002, she earned her Professional in Human Resources (PHR) certification. In 2011, Michelle earned her degree in Human Resources Management with a minor in Healthcare Administration from Concordia University at Austin, graduating magnum cum laude and a member of Alpha Chi and Sigma Beta Delta Honor Societies. This past June, she earned her Senior Professional in Human Resources (SPHR) certification. Michelle is a proud mother of Alex (a Marine currently serving in Afghanistan) and Alisha (P'incess) and "human" for her two beagles, Porthos and Talas. In her spare time, she enjoys time with family and friends, travel, and anything crafty.



Danecia Jackson joined TREC as an Administrative Asst III in Staff And Support services. Prior to joining TREC she was a stay at home mother of two beautiful kids, a daughter, Jaylan who is 6 and a son Jermaine who is 2. Previously Jackson worked for the Department of State Health Services for 2 years and the Department of Public Safety for 6 months.



Born and raised in Austin, Terina Buentello joined the Texas Real Estate Commission and Texas Appraiser Licensing and Certification Board on May 7, 2012. Terina will be working in the Reception and Communication Services Division as a Communication Specialist. Terina previously worked at The Public Utility Commission of Texas.



Irene Quinonez joined The Texas Real Estate Commission in July as a Cashier in the Staff Support Services Division. She was born and raised in Austin Texas. Previously worked for Texas Education Agency and also with The Texas State Structural Pest Control Board.



Megan joined TALCB as a Legal Assistant in Standards and Enforcement Services on May 21, 2012. Prior to joining TREC, Megan worked at Germer Gertz Beaman & Brown and Clark, Thomas & Winters, P.C. as a legal assistant for their product liability divisions. Megan enjoys dancing, costuming, make-up, clothing design, acting, and modeling. She is also a certified yoga instructor, loves to swim. Megan graduated from the University of Texas at Austin with a B.A. in Sociology, and she's enjoying the ride life has been providing since the day she was born.

Name and Location	Order	Basis For Order								
<p>Case#: 110244 WELLS, WILLIAM BURTON</p> <p>(license # 6006) Inspector-I SPRING(MONTGOMERY)</p> <p>Effective Date: 5/7/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>22 TAC 535.221 (c)</td></tr><tr><td>22 TAC 535.230 (a)</td></tr><tr><td>22 TAC 535.230 (b)</td></tr></table>	Violation(s)	22 TAC 535.221 (c)	22 TAC 535.230 (a)	22 TAC 535.230 (b)	<p>Agreed 60 day suspension of professional inspector license fully probated for 1 year; Agreed administrative penalty of \$2,000.00</p>	<p>Consumer Complaint</p> <p>Respondent failed to notify the Commission of a name he used in his real estate inspection business. In January 2010, Respondent conducted a real estate inspection for a buyer. His report failed to report as deficient the inadequate access and clearance of the heating and cooling equipment as required in the Standards of Practice.</p>				
Violation(s)										
22 TAC 535.221 (c)										
22 TAC 535.230 (a)										
22 TAC 535.230 (b)										
<p>Case#: 120908 INZAR, VARRICK MONTEZ</p> <p>(license # 564897) Real Estate Broker / Salesperson-I FORT WORTH(TARRANT)</p> <p>Effective Date: 5/11/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>1101.651(b)</td></tr><tr><td>1101.651(d)</td></tr><tr><td>1101.652(b) (01)</td></tr><tr><td>1101.652(b) (02)</td></tr><tr><td>1101.652(b) (09)</td></tr><tr><td>1101.654(a)(1)</td></tr><tr><td>22 TAC 537.11(d)</td></tr></table>	Violation(s)	1101.651(b)	1101.651(d)	1101.652(b) (01)	1101.652(b) (02)	1101.652(b) (09)	1101.654(a)(1)	22 TAC 537.11(d)	<p>Revocation of salesperson license; Assessment of an administrative penalty of \$30,000.00</p>	<p>Consumer Complaint</p> <p>In about 2008, Respondent acted negligently by not using proper forms for a transaction, not properly indicating there was a sale or lease, not using IABS form, not clarifying who he represented and not properly establishing intermediary. Respondent engaged in dishonest conduct. Respondent failed to deposit money he accepted with his broker, escrow agent or the seller and failed to properly account for the funds and charged a fee for a transaction his broker was not aware of. Respondent drafted a contract for deed and failed to advise parties to consult an attorney.</p>
Violation(s)										
1101.651(b)										
1101.651(d)										
1101.652(b) (01)										
1101.652(b) (02)										
1101.652(b) (09)										
1101.654(a)(1)										
22 TAC 537.11(d)										
<p>Case#:111105 LIBERTY HOME PROTECTION</p> <p>(license # 0) None FORT LAUDERDALE (BROWARD)</p> <p>Effective Date: 5/31/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>1303.101</td></tr><tr><td>1303.251(b)</td></tr><tr><td>1303.253(a)</td></tr></table>	Violation(s)	1303.101	1303.251(b)	1303.253(a)	<p>Order to cease and desist all activities considered to be the business of a residential service company; Assessment of an administrative penalty of \$20,000.00</p>	<p>Consumer Complaint</p> <p>Respondent issued a residential service contract or performed or arranged to perform services under a residential service contract without first obtaining a residential service company license; Respondent issued an evidence of coverage to a person in this state that was not filed and approved by the Commission; and Respondent used, in conjunction with its evidence of coverage, a schedule of charges for services covered under the evidence of coverage that was not filed and approved by the Commission.</p>				
Violation(s)										
1303.101										
1303.251(b)										
1303.253(a)										

<p>Case#: 120429 SHAW, JAMES E</p> <p>(license # 476784) Real Estate Broker / Salesperson-I SUGAR LAND(FORT BEND)</p> <p>Effective Date: 6/8/2012</p> <table><tr><td>Violation(s)</td></tr><tr><td>1101.652(b)(01)</td></tr></table>	Violation(s)	1101.652(b)(01)	<p>Agreed administrative penalty of \$3,500.00; Agreed completion of thirty (30) hour agency law course on or before September 15, 2012</p>	<p>Consumer Complaint</p> <p>Respondent acting as listing agent, acted negligently and incompetently when he signed a contract amendment on behalf of his client. The buyer relied on the amendment, however there was an error in the verbiage to the terms drafted into the document by Respondent. The Respondent further acted negligently when he had the seller initial the changes to the amendment and delivered it to the title company without informing the buyer and/or obtaining the buyers's approval of the altered amendment.</p>			
Violation(s)							
1101.652(b)(01)							
<p>Case#: 121457,111388,120631,120172,120100 KING, STEPHEN MELVIN JR</p> <p>(license # 458435) Real Estate Broker / Salesperson-I RED OAK(ELLIS)</p> <p>Effective Date: 6/12/2012</p> <table><tr><td>Violation(s)</td></tr><tr><td>1101.351(a)</td></tr></table>	Violation(s)	1101.351(a)	<p>Agreed administrative penalty of \$24,000.00; Agreed to cease and desist from engaging in all activities for which a person must first hold a real estate broker or salesperson license. Agreed to not file an application to obtain any license or certificate issued by the Commission for a term of four (4) years</p>	<p>Consumer Complaint</p> <p>5 counts of unlicensed real estate brokerage activity by participating in leasing and selling real property posing as a licensee for New World Realty or New World Real Estate.</p>			
Violation(s)							
1101.351(a)							
<p>Case#: 120268 PEREZ, ALFRED ALLEN</p> <p>(license # 411634) Real Estate Broker / Salesperson-I CORPUS CHRISTI(NUECES)</p> <p>Effective Date: 6/15/2012</p> <table><tr><td>Violation(s)</td></tr><tr><td>1101.651(b)</td></tr><tr><td>1101.652(a)</td></tr><tr><td>1101.652(b)</td></tr><tr><td>22 TAC</td></tr></table>	Violation(s)	1101.651(b)	1101.652(a)	1101.652(b)	22 TAC	<p>Agreed two (2) year suspension fully probated for two (2) years; Agreed administrative penalty of \$7,200.00</p>	<p>Consumer Complaint</p> <p>Respondent's sponsoring broker did not authorize and was not aware Respondent conducted property management services. Respondent failed to deliver trust funds to his broker and commingled money with his own. Respondent accepted compensation for his property management not through his broker. Respondent failed to timely respond to the Commission's request for information after a complaint was filed.</p>
Violation(s)							
1101.651(b)							
1101.652(a)							
1101.652(b)							
22 TAC							
<p>Case#: 120450 ARRIAGA, CHARLES L JR</p> <p>(license # 537432) Real Estate Broker / Salesperson-I SAN ANTONIO(BEXAR)</p> <p>Effective Date: 6/16/2012</p>	<p>Automatic revocation of license</p>	<p>Administrative Complaint</p> <p>Respondent violated a term and condition of probation in an agreed order entered by the Commission dated May 17, 2012 by failing to timely make administrative penalty payments to the Commission</p>					

<p>Case#: 120906 DILL, GLENDA FAYE</p> <p>(license # 240780) Real Estate Broker / Salesperson-I LORENA(MC LENNAN)</p> <p>Effective Date: 5/14/2012</p> <table><tr><td>Violation(s)</td></tr><tr><td>1101.652(a)(06)</td></tr></table>	Violation(s)	1101.652(a)(06)	<p>Reprimand of broker license and suspension of broker license until receipt of the requested information and payment of the administrative penalty; Assessment of an administrative penalty of \$1,500.00</p>	<p>Administrative Complaint</p> <p>Respondent failed to provide, within a reasonable time, information requested by the Commission that relates to a formal or informal complaint to the Commission.</p>		
Violation(s)						
1101.652(a)(06)						
<p>Case#: 120790 CAMMACK, FRANCES BETHA-NY</p> <p>(license # 310971) Real Estate Broker / Salesperson-I ABILENE(TAYLOR)</p> <p>Effective Date: 6/7/2012</p> <table><tr><td>Violation(s)</td></tr><tr><td>1101.655</td></tr></table>	Violation(s)	1101.655	<p>Agreed revocation fully probated for five (5) years and one (1) month</p>	<p>Administrative Complaint</p> <p>Respondent failed to repay the Commission a payment of \$50,000.00 made from the Real Estate Recovery Trust Account.</p>		
Violation(s)						
1101.655						
<p>Case#: 121257 VINSON, KARA D</p> <p>(license # 447983) Real Estate Broker / Salesperson-I LONGVIEW(GREGG)</p> <p>Effective Date: 6/15/2012</p> <table><tr><td>Violation(s)</td></tr><tr><td>1101.652(a)(02)</td></tr><tr><td>1101.652(a)(09)</td></tr></table>	Violation(s)	1101.652(a)(02)	1101.652(a)(09)	<p>Agreed administrative penalty of \$3,000.00</p>	<p>Administrative Complaint</p> <p>Respondent pled nolo contendere to and the court entered an order of deferred adjudication to a felony offense. Respondent failed to notify the Commission within 30-days after entry of the plea. Respondent failed to disclose the same in her renewal application.</p>	
Violation(s)						
1101.652(a)(02)						
1101.652(a)(09)						
<p>Case#: 90019 JORGENSEN, TED EUGENE</p> <p>(license # 450127) Real Estate Broker / Salesperson-I ADDISON(DALLAS)</p> <p>Effective Date: 5/9/2012</p> <table><tr><td>Violation(s)</td></tr><tr><td>1101.559(a)(1)</td></tr><tr><td>1101.559(c)</td></tr><tr><td>1101.652(b)(01)</td></tr></table>	Violation(s)	1101.559(a)(1)	1101.559(c)	1101.652(b)(01)	<p>Automatic suspension of broker license until remaining balance of administrative penalty is paid in full</p>	<p>Administrative Complaint</p> <p>Respondent violated a term and condition of probation in an agreed order entered by the Commission dated April 2011 by failing to timely make administrative penalty payments to the Commission.</p>
Violation(s)						
1101.559(a)(1)						
1101.559(c)						
1101.652(b)(01)						

<p>Case#: 92198 HOPKINS, JOHNNY RAY</p> <p>(license # 473576) Real Estate Broker / Salesperson-I HOUSTON(HARRIS)</p> <p>Effective Date: 5/25/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>1101.652(b)(01)</td></tr><tr><td>1101.652(b)(09)</td></tr><tr><td>1101.652(b)(10)</td></tr></table>	Violation(s)	1101.652(b)(01)	1101.652(b)(09)	1101.652(b)(10)	<p>Automatic suspension of salesperson license until October 29, 2012</p>	<p>Administrative Complaint</p> <p>Respondent violated a term and condition of probation in an agreed order entered by the Commission dated October 2010 by failing to timely make administrative penalty payments to the Commission.</p>
Violation(s)						
1101.652(b)(01)						
1101.652(b)(09)						
1101.652(b)(10)						
<p>Case#: 120555 PENNINGTON, DAVID PERRETT</p> <p>(license # 453878) Real Estate Broker / Salesperson-I PLANO(COLLIN)</p> <p>Effective Date: 5/15/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>1101.652(a)(01)</td></tr><tr><td>1101.652(a)(02)</td></tr><tr><td>1101.652(a)(09)</td></tr></table>	Violation(s)	1101.652(a)(01)	1101.652(a)(02)	1101.652(a)(09)	<p>Agreed 106 month suspension of broker license fully probated for 106 months; Agreed administrative penalty of \$3,500.00</p>	<p>Administrative Complaint</p> <p>Respondent pled guilty to three felony offenses. The court adjudicated him guilty to one of the felonies. Respondent failed to notify the Commission within 30 days of the entry of the pleas and conviction. He failed to disclose the same in his renewal application in October 2011.</p>
Violation(s)						
1101.652(a)(01)						
1101.652(a)(02)						
1101.652(a)(09)						
<p>Case#: 120214 DAVIS, DIANE SELINSKI</p> <p>(license # 479989) Real Estate Broker / Salesperson-I COLLEGE STATION (BRAZOS)</p> <p>Effective Date: 5/22/2012</p>	<p>Automatic suspension of salesperson license until remaining balance of administrative penalty is paid in full; Suspension removed on June 12, 2012, administrative penalty paid in full; Probationary license remains in effect</p>	<p>Administrative Complaint</p> <p>Respondent violated a term and condition of probation in an agreed order entered by the Commission dated January 2012 by failing to timely make administrative penalty payments to the Commission.</p>				

<p>Case#: 120763 BROWN, JENNIFER CHERI</p> <p>(license # 540300) Real Estate Broker / Salesperson-I DEER PARK(HARRIS)</p> <p>Effective Date: 5/24/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>1101.652(a)(01)</td></tr><tr><td>1101.652(a)(02)</td></tr><tr><td>1101.652(a)(06)</td></tr><tr><td>1101.652(a)(09)</td></tr></table>	Violation(s)	1101.652(a)(01)	1101.652(a)(02)	1101.652(a)(06)	1101.652(a)(09)	<p>Revocation of salesperson license; Assessment of an administrative penalty of \$4,000.00</p>	<p>Administrative Complaint Respondent pled guilty to and was adjudicated guilty of a felony offense. Respondent failed to notify the Commission within 30 days after entry of the plea and criminal conviction. Respondent failed to disclose the same in her renewal application. Respondent failed to provide within a reasonable time information requested by the Commission that relates to a complaint regarding the criminal matter.</p>
Violation(s)							
1101.652(a)(01)							
1101.652(a)(02)							
1101.652(a)(06)							
1101.652(a)(09)							
<p>Case#: 110651 DELEON, ISELA ALEJANDRA</p> <p>(license # 576702) Real Estate Broker / Salesperson-I HOUSTON(HARRIS)</p> <p>Effective Date: 3/2/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>1101.652(b)(02)</td></tr><tr><td>1101.652(b)(09)</td></tr></table>	Violation(s)	1101.652(b)(02)	1101.652(b)(09)	<p>Automatic 34 month suspension of salesperson license</p>	<p>Administrative Complaint Respondent violated a term and condition of probation in an agreed order entered by the Commission dated October 2011 by failing to timely make payments to complainant and to timely provide the Commission with proof of the payments made.</p>		
Violation(s)							
1101.652(b)(02)							
1101.652(b)(09)							
<p>Case#: 121262 ELIZONDO, MELISSA KRISTEEN</p> <p>(license # 575926) Real Estate Broker / Salesperson-I NEW BRAUNFELS (COMAL)</p> <p>Effective Date: 5/30/2012</p> <table><tr><th>Violation(s)</th></tr><tr><td>1101.652(a)(04)</td></tr><tr><td>22 TAC 534.2(a)</td></tr></table>	Violation(s)	1101.652(a)(04)	22 TAC 534.2(a)	<p>Agreed reprimand of broker license; Assessment of an administrative penalty of \$500</p>	<p>Administrative Complaint Respondent failed within a reasonable time to make good a check issued to the Commission. Respondent failed to pay the check processing fee within 15 days after the Commission had mailed a request for payment.</p>		
Violation(s)							
1101.652(a)(04)							
22 TAC 534.2(a)							

<p>Case#: 120450 ARRIAGA, CHARLES L JR</p> <p>(license # 537432) Real Estate Broker / Salesperson-I SAN ANTONIO(BEXAR)</p> <p>Effective Date: 5/17/2012</p>	<p>Agreed 3 year probationary salesperson license issued</p>	<p>Applications</p> <p>Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in 22 Tex. Admin. Code §541.1(c) and, subject to reasonable terms and conditions of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>
<p>Case#: 120986 FERGUSON, SEAN DEMETRIUS</p> <p>(license # 620522) Real Estate Broker / Salesperson-I HOUSTON(HARRIS)</p> <p>Effective Date: 6/5/2012</p>	<p>Agreed two (2) year probationary license issued</p>	<p>Applications</p> <p>Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate broker under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in Tex. Occ. Code §53.023 and, subject to reasonable terms and conditions of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate broker under Tex. Occ. Code §1101.354(2).</p>
<p>Case#: 121115 MILLER, HAROLD LAMONT</p> <p>(license # 620508) Real Estate Broker / Salesperson-I SAN ANTONIO(BEXAR)</p> <p>Effective Date: 6/4/2012</p>	<p>Agreed five (5) year probationary license issued</p>	<p>Applications</p> <p>Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in Tex. Occ. Code §53.023 and, subject to reasonable terms and conditions of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>
<p>Case#: 121233 AKABUE, CHRISTOPHER CHIDI</p> <p>(license # 620881) Real Estate Broker / Salesperson-I DALLAS(DALLAS)</p> <p>Effective Date: 6/25/2012</p>	<p>Agreed two (2) year probationary license issued</p>	<p>Applications</p> <p>Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in Tex. Occ. Code §53.023 and, subject to reasonable terms and conditions of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>

<p>Case#: 121168 PROCTOR, ASHLEY RENEE</p> <p>(license # 619848) Real Estate Broker / Salesperson-I MIDLAND(MIDLAND)</p> <p>Effective Date: 5/1/2012</p>	<p>Agreed 2 year probationary salesperson license issued</p>	<p>Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in 22 Tex. Admin. Code §541.1(c) and, subject to reasonable terms and conditions of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>
<p>Case#: 121119 WALTERS, JEFFREY LYNN</p> <p>(license # 408781) Real Estate Broker / Salesperson-I BAYTOWN(HARRIS)</p> <p>Effective Date: 5/1/2012</p>	<p>Agreed 9 year probationary salesperson license issued</p>	<p>Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1. Applicant provided documentation addressing the factors outlined in 22 Tex. Admin. Code §541.1(c) and, subject to reasonable terms and conditions of a probationary license, demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).</p>

TALCB Bulletin



TALCB was created by an act of the Texas Legislature in 1991 to license, certify and regulate real estate appraisers in Texas under state and federal laws. In 2011, TALCB's jurisdiction was expanded to register and regulate appraisal management companies.

Inside this issue: Real Estate Center Survey (Page 1) AMC Registration Update (Page 1) From the Commissioner (Page 2)



Helping Texans
make better
real estate
decisions.

in Texas. The web survey will be conducted through Texas A&M's Real Estate Center and the Hobby Center for Public Policy at the University of Houston. In August, an email with a link and a

Real Estate Center Announces AMC Survey

As required by HB 1146, the Texas Appraiser Licensing and Certification Board has commissioned a survey of appraisers and appraisal management companies that operate

unique ID access code will be sent to all licensed and certified appraisers and all registered appraisal management companies in the Board's database. This confidential survey is an opportunity for you to provide your opinions about current trends in the appraisal market in Texas and we encourage your full participation.

For more information about the Texas A&M Real Estate Center please go to

www.recenter.tamu.edu/

TALCB Appraisal Management Company Registration Update

The Appraiser board is happy to announce that as of July 30 there are over 170 applications for registration with the agency and 162 fully approved. With that there are now over 13,000 appraisers participating on these AMC's panels.

The overwhelming response to the online panel management system has been positive. The agency continues to improve it's online products and plans even more improvements for all appraisers and AMCs in the future.

TALCB began registering AMC's in March 2012. Registration of all Appraisal Management Companies operating in Texas is required under Texas Occupations Code Chapter 1104 (HB 1146, 82nd Legislature). For the full text of all TALCB rules, the AMC registration forms and more, please go to www.talcb.texas.gov.

Good news! Over 170 Appraisal Management Companies (AMCs) have applied for registration to do business in Texas and 162 of these are currently authorized to do so. Remember that registration is a two-step process – first an AMC must file an application, pay a fee and provide supporting background documentation regarding certain key members of the company. Once approved by the agency, each AMC will then use TALCB's online tool to identify the licensed and certified appraisers in Texas that the AMC uses to produce appraisal reports, also called its panel.

A modest \$10 fee is collected for adding or removing an appraiser from a panel. This allows each AMC to scale its operations and results in lower overall registration fees for smaller AMCs with smaller panels.

Appraisers should take note that if they receive an appraisal order from an AMC, the appraiser should enquire as to whether the AMC is registered in Texas. A list of all registered AMCs is found on the agency's website. If the AMC is not registered yet, the appraiser should not accept the order. This ensures that if the consumer (or appraiser) has an issue with the appraisal or process, the agency has the tools to handle complaints. Reminding an AMC to follow the law is a legitimate role for an appraiser. If an AMC operates in Texas but fails to register, the agency will take action against the AMC.

Another safeguard for Texas' consumers is a requirement that the AMC conduct an appraisal review under Standard 3 of USPAP for one of the first 5 reports done by a new panelist and at least 5% of all appraisals ordered each year. This helps to ensure a high quality of professional skill in the completion of appraisals in Texas. While most AMCs review every appraisal report for "administrative

compliance" both with applicable standards and the scope of work, these additional reviews will be more in depth. More guidance to AMCs on the scope of these reviews will be discussed at the next Board meeting.

The Board was officially visited May 16 -18 by the Appraisal Subcommittee (ASC),

our federal oversight agency. Due to the hard work of the agency's staff, the Board received a very good report, with the only area of concern remaining the number of complaint files that are not resolved within one year of filing of the complaint. However, the ASC did favorably remark that the number of such complaints continues to diminish with each oversight visit. Dedicated and talented staff and streamlined processes will continue to contribute to this goal.

A Working Group of appraisers and others involved in the tax valuation challenge process was appointed by the Board and has been working to clarify the requirements for appraisers who engage in this line of business. There are many different roles that can be undertaken by advisors to property owners in this process, but the Board retains jurisdiction over appraisers when they perform any such role under the authority of their license or certification. But such work may also be accomplished by an appraiser acting under a Property Tax Consultant license governed by the Texas Department of Regulation and Licensing (TDLR). The Working Group will be presenting its report and making several recommendations to the Board for consideration at its next meeting on August 17th. Stay tuned for more information.

We look forward to continuing to do our part to uphold the standards that make the valuable work of real estate appraisals a respected profession.



Douglas E. Oldmixon

Important Dates to Remember

TALCB Board Meeting—August 17

PROPOSED RULES

Proposed rules will be up for adoption at the August 17, 2012 meeting of the Board

22 TAC §153.9, Applications : Amendments were proposed to establish the criteria to be used by spouses of active duty military to demonstrate alternative competency to obtain a license or certificate and allow the Commissioner to issue such licenses by endorsement, in accordance with Tex. Occ. Code §55.004, effective June, 17, 2011.

22 TAC §159.156, Business Records: In order to clarify prohibited acts under the Appraisal Management Company Registration and Regulation Act (the Act) regarding agreements with appraisers, to ensure that the regulatory structure for fees and consumer protection established by this Board is not circumvented and to ensure that AMCs that are business entities retain adequate documentation to demonstrate authority and ownership the Board proposed two amendments to this section. The first prohibits an AMC from requiring an appraiser to keep the appraiser's business relationship with an AMC or any assignment received from the AMC confidential. The second requires all AMCs that are business entities to keep business ownership and authority documentation and to promptly provide it to the Board upon request.

***NEW/REVISED FORMS – all effective
May 18, 2012***

Supplemental Military Spouse Application (New) – this form was created to accompany an application for a license or certificate when a spouse of an active duty military wants consideration for licensure pursuant to the amendments to Board Rule §153.9.

Application For Registration As An Appraisal Management Company (Revised) – this form was revised to include a requirement that AMCs

that are business entities need to provide a Certificate of Good Standing, to clarify that the scope of information required to be reported regarding prior civil suits is limited to the prior four years and the areas listed under Board Rule §159.20(15), to remove the email and fax number line items for In-State Service of Process Agents, and to make non-substantive corrections to the certification.

Appraisal Management Company (AMC) Owner/Primary Contact Background History (Revised) - this form was revised to clarify that the scope of information required to be reported regarding prior civil suits is limited to the prior four years and the areas listed under Board Rule §159.20(15), and to make non-substantive corrections to the certification.

Appraisal Management Company (AMC) Change of AMC/Appraiser/Designated In-State Agent Information (Revised) - this form was revised to eliminate confusion so that this form would not be used to change a primary contact person, to provide a place for an AMC to notify the Board regarding the termination of an appraiser contact person, to provide a place for an AMC that is not domiciled in Texas to notify the Board regarding the designation or termination of an In-State agent for service of process and to add a certification and signature block.

Appraisal Management Company (AMC) Change of Owner/Primary Contact Person (New) - this form was created to provide a paper alternative to online processing for AMCs to report changes to ownership or their primary contact person to the Board.



Inside this Issue: New Inspector Exam Postponed (Page 1) TREIC Meeting Recap (Page 1) From The Administrator (Page 2)

NEW INSPECTOR EXAM POSTPONED UNTIL JANUARY 1, 2013

The rollout of the new inspector exam will be postponed until January 1, 2013. The new exam was scheduled for implementation on September 1, 2012. The additional time will allow new exam questions to be pretested and will provide additional time for education providers to prepare stu-

dents and applicants for the exam. Recall that the new exam will be composed of two parts: a National Home Inspector Examination (NHIE) and a Texas state specific exam. The two-part exam will now be implemented on January 1, 2013.

TREIC July Committee Meeting Recap

The Texas Real Estate Inspector Committee met on July 27, to discuss proposed revisions to Standards of Practice (SOP) and any corresponding changes to the standard inspection report form necessitated as a result of the proposed SOP. As part of the agenda, the Committee considered a proposal to remove the "deficiency" box from the inspection report form. Based on the deliberation of the Committee, as well as feedback from various industry members and association representatives on this issue, the Committee rejected the proposal to remove the box. Instead the Committee elected to replace the "deficiency" tag with a term more

appropriate to the issues and problems required to be reported by the SOP. Based on this decision, the Committee is postponing any formal recommendations to the Commission in order to address any additional modifications to the SOP and inspection report that may be needed as a result of this decision.

The next Texas Real Estate Inspector Committee Meeting is scheduled for October 19th. Please be sure to check the website for the latest information on important issues affecting your industry.

Summer is traditionally the busiest time in the real estate market and I hope that means it is a busy time for Texas real estate inspectors. I know the Committee has been very busy working to finalize several issues that will assist inspectors with serving their clients more usefully and professionally.

The Committee has almost completed its work on a major milestone in reviewing and updating the Standards of Practice (SoP) to clarify the scope of work under the jurisdiction of Chapter 1102 of the Texas Occupations Code, as well as making corresponding changes to the standard report form. Look for the progress report contained in this issue of the Insight. The proposed text under discussion is posted on the agency website so that interested parties and users can follow along and offer feedback to the Committee members ahead of the general public comment period connected to formal rule-making. Look at the materials posted online for recent Committee meetings to remain informed.

The Committee earlier recommended that Texas adopt the National Home Inspector Exam (NHIE) to better prepare inspectors for the field and assist with some reciprocity issues. The Commission has approved this recommendation and planned for the new tests to be implemented after September 1, 2012. However, the need to review and write new exam questions is more extensive than estimated and so, in fairness to

educators and inspector candidates, implementation will be advanced to January 1, 2013. PSI, LLC will administer the two tests, one for national topics and one for Texas specific matters.

At its next meeting, the Commission will consider appointing a new public member to the Committee to replace a member who resigned. We always encourage inspectors to recommend someone you know who might be willing to serve in this valuable role.

The Commission and the Committee continue to work cooperatively to improve the ability of inspectors in this field to serve consumers in the manner that they expect. Several improvements are needed in the statutory realm and we expect to see some action to attempt to address these in the next legislative session in 2013.

I urge all inspectors and their professional associations to remain engaged and assist the Committee in accomplishing its worthy goals.



Douglas E. Oldmixon

Important Dates to Remember

TREIC Committee Meeting— October 19